REMARKS/ARGUMENTS

Claims 1-17 were presented for examination and are pending in this application. In an Official Office Action dated May 25, 2005, claims 1-17 were rejected. The Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below.

Applicants herein amend claim 11 and no new claims are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution of the application. In making this amendment, Applicants have not and do not narrow the scope of the protection to which the Applicants consider the claimed invention to be entitled and do not concede that the subject matter of such claims were in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

Rejection of Claims under 35 U.S.C. §102

Claims 1-17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,513,061 ("Ebata et al."). Applicants respectively traverse these rejections in light of the following remarks and respectfully request reconsideration.

MPEP §2131 provides:

> A claim is anticipated only if each and every element
> as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference."
Verdegall Bros. v. Union Oil Co. of California, 814
F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053(Fed.
Cir.1987). "The identical invention must be shown in
as complete detail as contained in the claim."
Richardson v. Suzuki Motor Co., 868 F.2d 1226,
1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The claims currently recite features lacking in the applied reference. For example, independent claim 1 recites, among other things, "means within the intermediary server responsive to a received web access request for establishing a channel with the data storage mechanism to obtain data from the data storage mechanism in response to a received web access request; and a web server within the intermediary server for formatting the obtained data into a web page that is responsive to a particular web access request."

The Examiner asserts that Ebata et al. discloses a means within an intermediary server for formatting data into a web page responsive to a particular request. The Applicants respectfully disagree. Ebata et al. appears to disclose "a comfortable working environment to a client in which only by specifying a logical node name of a server for providing a target service the client would like to reach, the most approximate proxy server to the client can be automatically selected in consideration of the loads burdened on the network and the server and the location of the client." Ebata et al. Col. 4, lines 22-29.

To achieve this environment, Ebata et al. discloses a dynamic DNS server that is arranged to manage "location information and load conditions of the proxy servers distributed located [sic] on a network, constantly select the proxy server having the most <u>approximate</u> access environment to a client based on the location information of the client and the managed content then notify the client of an address of the server corresponding to the domain name inquired by the

client, and notify the client of the address of the selected proxy sever." Ebata et al. Col 4, lines 36-44.

Ebata et al. apparently discloses a means to manage multiple proxy cache servers containing various resources of data. Ebata et al. does not disclose a server that formats data into a web page responsive to a particular request. The clear distinction between the Applicants' invention and what is disclosed by Ebata et al. can be found in Ebata et al.'s description of a proxy cache server in Col. 2 of the Ebata et al. patent. As cited by the Examiner, Ebata et al. discloses a server whose purpose is to relay data to two or more clients who may refer to the same data at the same time. See Ebata et al. Col. 2, lines 25-28. By caching the data and managing the requests, a request for the same data from two or more clients on a local area network can either be answered by the proxy, if the proxy has stored the data locally, or responded to by the proxy by sending a single request over wide area network, receive the requested data, and respond back to the two or more clients. Once the data is received, the proxy can act as a temporary cache for the data. See Ebata et al. Col 2, lines 29-32. Ebata et al. states, "the proxy server may operate to temporarily cache the resource or the data reference once by itself in a storage medium such as a disk and give back the data temporarily cached in the disk to the clients on the LAN side who have issued the referring requests without having to access the server on the WAN side if two or more requests for referring to the resource or the data given by the clients take place at a time." Ebata et al. Col. 2, lines 32-41 (emphasis added).

Ebata et al. fails to disclose a web server within the intermediary server that formats obtained data into a web page that is responsive to a particular web access request. Ebata et al. simply discloses a server that selects other servers. As stated in the abstract, "the proxy server selecting server notifies the client of the IP address of the most approximate server to the client in place of the IP

address of the server, based on the physical/logical location information." That
which is disclosed by Ebata et al. and that which is claimed by the Applicants is
decisively dissimilar.

"A claim is anticipated only if each and every element as set forth in the
claim is found, either expressly or inherently, in a single prior art reference."
MPEP §2131. Ebata et al. does not anticipate each and every element as
currently set forth in claim 1 either expressly or inherently. For at least the same
reasons, Ebata et al. does not anticipate each and every element as set forth in
claim 11 as currently amended. Accordingly, the Applicants respectfully request
the withdrawal of the rejection and allowance of claims 1 and 11. Claim 2-10,
and 12 -17 depend from claim 1 and 17 respectively, and for at least the same
reasons, are not anticipated by Ebata et al. The Applicants respectfully request
their rejections be withdrawn and the claims allowed.

In view of all of the above, the claims are now believed to be allowable
and the case in condition for allowance which action is respectfully requested.
Should the Examiner be of the opinion that a telephone conference would
expedite the prosecution of this case, the Examiner is requested to contact
Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency
associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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